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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/681,815

OCT 19 2006

Filing Date: June 11, 2001

Appellant(s): LEFKOWITH, DAVID

**GROUP 3600**

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Benjamin C. Stasa  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/24/2006 appealing from the Office action mailed 2/17/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,537,314	Kanter	7-1996
20020032626	DeWolf	5-2001
6,149,466	Bricaud	11-2000
5,612,527	Ovadia	3-1997
5,359,182	Schilling	10-1994

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1-3, 6-10, 13-15, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626).

Claim 1, 2, 13, 14: Kanter discloses a method, system for providing rebates to automobile owners based on purchases made at participating retailer locations, the method comprising:

selling an item to a customer (col 16, lines 42-52) wherein the customer is provided with a customer identification badge containing a plurality of customer information (col 20, lines 50-57; col 17, lines 53-63); retrieving the customer information stored within the customer identification badge at a point of sale (col 16, lines 42-52);

transmitting point of sale purchase information and the customer information to a rebate processing center remote from the point of sale (Fig. 1; col 16, lines 42-52; col 19, lines 18-22); and providing a rebate to the customer wherein the rebate is calculated based on the purchase information (col 16, lines 42-52).

Kanter does not explicitly disclose that the identification card is given to the user when the user is sold an automobile.

Additionally, Kanter discloses that awards can be set as valid or invalid:

“(79) (ii) to provide an incentive program which allows a sponsoring company to designate certain items of merchandise or certain services as valid or invalid toward posting awards and/or as valid or invalid for redemption of awards” (col 15, lines 30-35).

Examiner notes that the Applicant Specification (2002/0188501 ) discloses a variety of forms for the “customer identification badge” including credit card like forms:

“[0017] Notably, the CIB may take several physical forms well known in the general field of customer identification and portable data storage devices. For example, the customer identification badge may comprise a magnetically encoded "credit card" type device. As is well known in the art of encoding/decoding magnetic tapes and the like, the automobile dealer 202 (FIG. 2) may employ an encoding device 208 to magnetically encode the badge information onto the CIB 210”.

In regards to the Applicant’s claimed features ”the rebate comprises a checked mailed to the customer at quarterly annual time intervals”, Kanter renders these features obvious.

Kanter discloses

“Under control of the operational program several tasks are accomplished accordingly, including, creating subdirectories for a single participant account so as to selectively associate the single account subdirectories with multiple sponsoring company accounts and deciphering such accordingly at points of sale, calculating, posting, and/or issuing discounts, raffle entries, store-credit returns, points, cash values, bill values, in accordance with performance of

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participants (72, 74), while sending results immediately and/or periodically to appropriate destinations, which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants, participant sponsors in a pyramidal-type structure, sponsoring companies, sponsoring companies' sponsors in a pyramidal-type structure, raffle sponsors, and redeemed at appropriate locations which may include, sponsoring company, participant, beneficiary, or financial institution bank accounts (52, 54, 82, 84, 94), sponsoring company locations (14, 16), designated sponsoring company award output devices (36), participants' households, beneficiaries' locations, and cash dispensing machines, and received in the appropriate forms, which may include, designated sponsoring company merchandise, wire transfer, check, cash, coupon, certificate, charge card balance reductions, travel tour, or catalog merchandise"

(Abstract).

Note that Kanter discloses "issuing discounts, cash values. . .immediately and/or periodically. . .to appropriate destinations. . .participant's households. . .in the appropriate forms, which may include. . .wire transfer, check, cash coupon certificate. . .".

Hence, it would be obvious to Kanter that the rebate comprises a checked mailed to the customer at quarterly annual time intervals. One would be motivated to do this in order to provide the incentive to the user in a form and manner convenient and of interest to the user.

The following citations concern these features from the Applicant's claims:

"providing a rebate to the customer wherein the rebate is calculated based on the purchase price and wherein the *customer identification badge expires* after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile;

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the customer badge is updated to reflect that the customer continues to possess the automobile".

Examiner further notes that, as Applicant recognized in Applicant's past amendment, Kanter discloses entering a participant's account number that may be encoded in a magnetic strip or a plastic card and a procedure for becoming a participant with a sponsoring company." And, the online Merriam-Webster dictionary at www.m-w.com defines 'badge' as '1 : a device or token especially of membership in a society or group.' Hence, Kanter's encoded card with user specific information that identifies the user as a member and also contains other information is prior art against the Applicant's badge with a plurality of customer information. Also, please note the Applicant's own specification, cited above, which states how the badge may take many forms including an identification card form.

Also, Kanter discloses the utilization of cards :

"which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants (Abstract);

(12) Another method used by merchants to assist sales of their goods or services, has been the installation of incentive programs. Incentive companies have been hired in the past to install such programs. The incentive program usually entails a participant carrying a card or bearing an identification number. This card or identification number is used to keep track of a participant's transaction. With the program, participants present their cards or identification numbers when making purchases" (col 4, lines 39-47).

Kanter discloses the utilization of rebates:

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“(37) (b) to provide an incentive program which can act as an advertising campaign for program sponsoring companies and which further reduces the need for coupon printing and collecting as participants can have rebates automatically applied to their accounts” (col 12, lines 55-60).

Kanter further discloses providing benefits to the user based on users’ purchases:

“[Claim] 14. In a system for a credit card type incentive program wherein individual program participants having credit approval can earn awards based on their own respective purchases”.

Kanter further discloses that the user can purchase and own a car or automobile and also the offering of discounts or rebates (col 11, lines 30-35).

Kanter further discloses tracking user(s) activity and targeting user(s) (col 1, lines 24-30; col 4, lines 43-46).

Kanter does not explicitly disclose the providing a membership to a user at time of acquiring an automobile.

However, DeWolf (2002/0032626) discloses tracking ownership of an asset or item:

“[0005] Different industries frequently use different procedures for creating asset inventories (e.g., asset management databases). In the insurance industry, an asset owner wishing to insure that asset must typically complete a variety of forms and present related documents to prove ownership of the asset and to identify the asset as a unique entity.

Additional legal documents may be required to authenticate the status or value of the asset, such as surveys, titles, deeds, and appraisals. In corporate record keeping, assets are typically

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entered manually into an asset database, which can range from a stand-alone system to a networked database”.

DeWolf further discloses that the user can be tracked as an owner of an automobile and that the user can be provided services for a time period associated with the user being a confirmed owner of a vehicle:

“[0114] In one embodiment, the manufacturer or dealer (e.g. GM) would offer this service for free. The auto buyer would be provided with a complete record of the origin and creation of the asset and the access to recording of subsequent relevant incidents during the life of the vehicle. Such incidents include manufacturer issued updates and recalls, dealer scheduled service, accidents and repairs, insurance claims, satisfaction of liens, involvement in criminal activity, transfer of ownership, etc. The owner would be responsible, along with vehicle's other co-interested parties such as insurance, finance, law enforcement agencies, etc. for accessing and updating the vehicle's record. This could be a free or fee for service. It could be offered for a specific time period (e.g. duration that auto is under warranty or service contract) or offered indefinitely to a purchaser as a free service or for some consideration from the purchaser/owner. The vehicle registry service could be transferable or non-transferable (e.g. to a subsequent owner) depending on the interests of the registry service provider”.

DeWolf further discloses that owners of a vehicle can have an owner identifying card and that the owners may be provided a variety of benefits while the user is an identified owner of the vehicle:

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“[0115] In one embodiment, owners of the vehicle could be entered to maintain the vehicle record or to use certain maintenance/repair facilities that had access to and would update the vehicle record. For example, the owners may be offered a credit, discounts, reward points, etc. In another embodiment, if the owner used a particular credit card (i.e., issued by Ford or GM) the update of the vehicle record could be automatic”.

DeWolf further discloses that the user can be identified with cards:

“[Claim] 33. The method of claim 32, wherein the transaction may involve credit cards, debit cards, or other consumer credit systems.

[Claim] 34. The method of claim 32, wherein the transaction may involve new or future methods such as though that may rely on digital wallets, smart cards or other embedded technologies”.

DeWolf discloses that an asset record of what the user owns can be maintained at time of transaction via a smart card:

“[0109] In one embodiment, the vehicle asset record is transferred from the manufacturer or dealer to the buyer or other party. The transfer of the asset record can be done in numerous ways. In one embodiment, the asset record is transferred via a digital medium, such as, floppy disk, zip disk, tape drive, CD, DVD, smart card, etc. In a preferred embodiment, the asset record is transferred over a computer network, such as the Internet. Using the Internet allows the manufacturer or dealer to make the vehicle asset record available to customers or other interested parties even if they are remotely located”.

DeWolf further disclose targeting users based on user activity (0006, 0043).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that DeWolf's providing the user with benefits related to purchasing such as discounts and credits to the user while the user demonstrates ownership of an asset, such as an automobile, and utilization of identifying cards can be added to Kanter's user identifying cards and providing benefits such as rebates related to purchasing of items, which can be an automobile, such that the user now owns the item. One would have been motivated to do this in order to better track and target a user and in order to better incite certain actions in a user(s).

Claim 3, 15: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the customer identification badge comprises a magnetically encoded wallet card (col 17, lines 53-60).

Claim 6: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the rebate comprises a check mailed to the customer at quarterly annual time intervals (col 16, lines 47-52; col 25, lines 5-15). Furthermore, since Kanter states that any periodic time period, such as a month, is possible, it would be obvious that the time period can be quarterly. Quarterly payments are a convenient option to some users.

Claim 7, 18: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the rebate is electronically deposited into a bank account specified by the customer (col 16, lines 47-52).

Claim 8, 19: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the purchase information comprises a rebate amount that a participating retailer is willing to pay (col 16, lines 43-65; col 17, lines 60-63).

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Claim 9, 20: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the retailer provides payment to the rebate processing center to pay for the rebate (Fig. 1; col 19, lines 55-col 20, line 19).

Claim 10, 21: Kanter and DeWolf disclose the method of claim 1. Kanter further discloses transmitting the customer information from the sponsoring company/ place where user became a member to the rebate processing center (Fig. 1; item 79).

Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Ovadia (5,612,527).

Claim 4, 16: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly disclose that the customer identification badge comprises a bar code.

However, Ovadia discloses utilizing automobile related identification cards at time of purchase and also the utilization of bar codes and magnetic striping (col 6, lines 10-20).

Ovadia further discloses that the customer identification badge comprises a bar code (col 2, lines 15-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Ovadia's customer identification badge with bar code to Kanter's customer identification badge with identification code. One would have been motivated to do this in order to provide a convenient way of identifying the user.

Claims 5, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Bricaud (6,149,466).

Claim 5, 17: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly disclose that the customer identification badge comprises a persistent memory module having input and output capabilities wherein the module is attached to the automobile.

Kanter further discloses a sponsor providing a wide range of services and that the sponsor can operate in a wide variety of locations (Fig. 1; col 4, lines 39-41).

However, Bricauld (6,149,466) discloses a smartcard whereby the smartcard is attached to the automobile and there is also a module in the automobile for attaching the smartcard too and the smartcard can be utilized for services in the automobile (col 1, lines 17-25; col 1, lines 10-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Bricauld's card that can be utilized in an automobile to Kanter's card that can be utilized in a wide variety of locations. One would have been motivated to do this in order to allow flexible utilization of the card.

Claims 11, 12, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Schilling (5,359,182).

Claim 11, 12, 22, 23: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly discloses that the automobile is leased or rented to the customer.

However, Schilling discloses the utilization of cards and that automobiles can be rented or leased (Fig. 1; Fig. 2; col 11, lines 21-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add automobile renting or leasing to Kanter's sponoring company.

One would have been motivated to do this in order to utilize the full services of an automobile dealership such as selling, renting, and leasing automobiles.

#### **(10) Response to Argument**

Beginning on page 2 of the Appellant's Appeal Brief Arguments which are dated 8/24/2006, Appellant's states:

"Kanter and DeWolf each fail to teach, disclose, or suggest a customer identification badge that expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile. . .Kanter and DeWolf each fail to teach, disclose, or suggest updating the customer identification badge to reflect that the customer continues to possess the automobile. . .DeWolf, however, fails to contemplate updating an ownership attribute associated with the vehicle asset record."

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

And, a 35 USC 103 rejection was made utilizing Kanter and DeWolf.

The Applicant's arguments concerning vehicle ownership will be addressed first.

And, DeWolf discloses the customer verifying that he or she continues to possess the automobile or updating the customer status to reflect that the customer continues to possess the automobile or updating an ownership attribute associated with the vehicle asset record.

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DeWolf discloses asset ownership tracking:

“[0008] The present invention provides a method and system for attributing ownership of an asset or property to an individual, groups of individuals or other entities, as well as maintaining an up-to-date status regarding relevant attributes of the asset. . . The registry would provide for methods of conducting transactions that alter the state of ownership and other attributes of the asset. The system would also generate and incorporate documentation related to the above.”

DeWolf discloses that the ownership/possession status of vehicles/automobiles can be tracked:

“[0031] A Global Asset Information Registry (GAIR) is used as a complete tracking and management system for assets. An asset can be anything that is created. Assets may be differentiated from raw materials in that assets have a ‘value added’ component. That is, human beings have processed, formed or manufactured these materials in a way that raw material increases in value. An asset can be associated with or created from other assets. For example, an asset, such as a automobile or computer, is assembled from component parts that are, in and of themselves assets. In creating a multi-component asset, for example, a producer assembles assets and in doing so creates a new single asset. Assets may include but are not limited to: appliances, art, buildings, clothing, digital objects, durable goods, equipment, furnishings, land, vehicles, perishable goods, tools, and weapons. Minimally, assets can be owned, insured, sold, bought and warranted.

DeWolf further discloses that ownership status is continually tracked, verified, updated:

“[Claim] 10. The method of claim 1, wherein the information related to the asset includes data identifying a current owner of the asset.

[0038]. . . If the buyer 114 decides to purchase the asset, they may have to provide the seller 112 with certain information, such as, identification in order to complete the transaction. This information may also be stored in the GAIR 100. After the transaction is complete, the seller 112 may set the ownership of the asset to the buyer 114. In one embodiment, in order for the transaction to be finalized, the buyer 114 would need to acknowledge that they are the new owner. As one of ordinary skill in the art would recognize there are numerous ways in which the buyer 114 could be notified (i.e., fax, email, pager) that they have designated as owner and thus, must acknowledge the transaction and the fact that they are the new owner.

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[0090] Transactions, regarding the exchange of ownership rights, for example, would be incorporated into the system. Exchanges of objects would then have an audit-able trail that would relate to ownership over time. This would be valuable to the legal system if ownership were disputed as in divorce, dissolution of business relationships, etc.

[0073]. . .As one of ordinary skill in the art should recognize, this activity diagram is merely one example of how activities could be performed by various organizations, and how ownership of the asset changes, during the life cycle of an asset. There are numerous other activity scenarios that would well within the scope of the current invention.

[0105]. . . Relevant records regarding the vehicle would be retrieved, added, or updated by various parties depending on their interest and permissions. Ideally, all status changes, including service, accidents, repairs, manufacture recalls and updates, ownership, insurance, finance, and legal status changes would be added to the record an the record updated according. The vehicle asset record would then track and chronicle all changes to the vehicle, value related and otherwise. As such, the asset record would reflect the "current state" of the vehicle. Additionally, the vehicle if equipped with a GPS or similar device, would have its position tracked, perhaps in real-time so that access to the vehicle record would provide location information as well.

[128]. . . In any case there would be a seamless transfer of ownership, payment, promissory notes, liens, etc. For instance, the precise time at which ownership was acquired or changed would be recorded, and thus loans, liens, interest accrual and the like would be well established and documented within the registry. The financing records would added to the master asset record at the time of purchase (i.e. the transaction record would contain the actual transfer record or log of such record and associated financial details). “

DeWolf further disclsoes providing services to the owner of the vehicle such as insurance or warranties or service plans that are specific to the verified owner of the vehicle:

“[Claim] 14. The method of claim 13, wherein the documents may be parts lists, warrantees, service agreements, user manuals, insurance, or specifications.

[Claim] 42. The method of claim 41, wherein the documents required for participating in a transaction may further include insurance, finance, ownership, or registration.

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[0105] ... Relevant records regarding the vehicle would be retrieved, added, or updated by various parties depending on their interest and permissions. Ideally, all status changes, including service, accidents, repairs, manufacture recalls and updates, ownership, insurance, finance, and legal status changes would be added to the record an the record updated according. The vehicle asset record would then track and chronicle all changes to the vehicle, value related and otherwise. As such, the asset record would reflect the "current state" of the vehicle. Additionally, the vehicle if equipped with a GPS or similar device, would have its position tracked, perhaps in real-time so that access to the vehicle record would provide location information as well.

[0125] In another example, the insurer would offer the service to buyer of automatic insurance, by virtue of being notified directly by the selling agency (e.g. dealer) through or by way of the vehicle asset record. Alternatively, a type of automatic insurance would be enabled. Automatic insurance would entail the automatic insuring of the vehicle according to and at the time of a change in ownership or other relevant attribute of the asset. The dealer or other seller would preferably offer the service of guaranteeing this automatic insurance as a service plus, such automatic insurance would be the proper notification or arrangement with the insurance company (dealers or buyers) by updating the vehicle record in the registry that ownership change had occurred. The dealer would ask the buyer the name of his insurer, thus allowing the dealer to automatically and directly notify the insurer.

[0049] Transactions 210 may be associated with documents 220 and vice versa. Documents 220 may include but are not limited to purchase orders, sale receipts, maintenance records, loan applications, warranties, guarantees, and service agreements. . .

[0037]... Moreover, the seller 112 might record any changes made to the asset since the asset was received from the producer 110 (i.e., upgraded tires, rust coating, sun roof, etc.). Moreover, the seller 112 might record any items related to the asset that were transferred (i.e., warranties, service plans, etc.). As one of ordinary skill in the art would recognize there are numerous attributes about an asset that the seller 112 could set or assign in the GAIR 100 that would be well within the scope of the current invention."

Also, note that insurance or warranties or service plans are specific to the verified owner of the vehicle, are transferable, and that these services expire after or at certain time intervals.

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DeWolf further discloses that services can be offered for a time period to the verified owner of the vehicle:

“[0114] In one embodiment, the manufacturer or dealer (e.g. GM) would offer this service for free. The auto buyer would be provided with a complete record of the origin and creation of the asset and the access to recording of subsequent relevant incidents during the life of the vehicle. Such incidents include manufacturer issued updates and recalls, dealer scheduled service, accidents and repairs, insurance claims, satisfaction of liens, involvement in criminal activity, transfer of ownership, etc. The owner would be responsible, along with vehicle's other co-interested parties such as insurance, finance, law enforcement agencies, etc. for accessing and updating the vehicle's record. This could be a free or fee for service. It could be offered for a specific time period (e.g. duration that auto is under warranty or service contract) or offered indefinitely to a purchaser as a free service or for some consideration from the purchaser/owner. The vehicle registry service could be transferable or non-transferable (e.g. to a subsequent owner) depending on the interests of the registry service provider.”

Hence, DeWolf does disclose the customer verifying that he or she continues to possess the automobile or updating the customer status to reflect that the customer continues to possess the automobile or updating an ownership attribute associated with the vehicle asset record.

Now the Applicant’s arguments concerning a customer identification badge that expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile will be addressed. Note that the customer verifying that he or she continues to possess the automobile or updating the customer status to reflect that the customer continues to possess the automobile or updating an ownership attribute associated with the vehicle asset record.

Examiner notes that the Applicant Specification (2002/0188501 ) discloses a variety of forms for the “customer identification badge” including credit card like forms:

“[0017] Notably, the CIB may take several physical forms well known in the general field of customer identification and portable data storage devices. For example, the customer identification badge may comprise a magnetically encoded "credit card" type device. As is well known in the art of encoding/decoding magnetic tapes and the like, the automobile dealer 202 (FIG. 2) may employ an encoding device 208 to magnetically encode the badge information onto the CIB 210”.

Examiner further notes that, as Applicant recognized in Applicant's past amendment, Kanter discloses entering a participant's account number that may be encoded in a magnetic strip or a plastic card and a procedure for becoming a participant with a sponsoring company (page 7 of Applicant's Remarks dated 5/11/2005). Hence, Kanter's encoded card with user specific information that identifies the user as a member and also contains other information is prior art against the Applicant's badge with a plurality of customer information. Also, please note the Applicant's own specification, cited above, which states how the badge may take many forms including an identification card form.

Also, Kanter discloses the utilization of cards :

“which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants (Abstract);

(12) Another method used by merchants to assist sales of their goods or services, has been the installation of incentive programs. Incentive companies have been hired in the past to install such programs. The incentive program usually entails a participant carrying a card or bearing an identification number. This card or identification number is used to keep track of a

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participant's transaction. With the program, participants present their cards or identification numbers when making purchases" (col 4, lines 39-47).

Kanter discloses the utilization of rebates:

"(37) (b) to provide an incentive program which can act as an advertising campaign for program sponsoring companies and which further reduces the need for coupon printing and collecting as participants can have rebates automatically applied to their accounts" (col 12, lines 55-60).

Kanter further discloses providing benefits to the user based on users' purchases:

"[Claim] 14. In a system for a credit card type incentive program wherein individual program participants having credit approval can earn awards based on their own respective purchases".

Kanter further discloses that the user can purchase and own a car or automobile and also the offering of discounts or rebates (col 11, lines 30-35).

Kanter further discloses tracking user(s) activity and targeting user(s) (col 1, lines 24-30; col 4, lines 43-46).

Kanter does not explicitly disclose the providing a membership to a user at time of acquiring an automobile.

However, DeWolf (2002/0032626) discloses tracking ownership of an asset or item and DeWolf further discloses that the user can be tracked as an owner of an automobile and that the user can be provided services for a time period associated with the user being a confirmed owner of a vehicle. Please see the citations preceding in this Response to Arguments section.

DeWolf further discloses that owners of a vehicle can have an owner identifying card and that the owners may be provided a variety of benefits while the user is an identified owner of the vehicle:

“[0115] In one embodiment, owners of the vehicle could be entered to maintain the vehicle record or to use certain maintenance/repair facilities that had access to and would update the vehicle record. For example, the owners may be offered a credit, discounts, reward points, etc. In another embodiment, if the owner used a particular credit card (i.e., issued by Ford or GM) the update of the vehicle record could be automatic”.

DeWolf further discloses that the user can be identified with cards:

“[Claim] 33. The method of claim 32, wherein the transaction may involve credit cards, debit cards, or other consumer credit systems.

[Claim] 34. The method of claim 32, wherein the transaction may involve new or future methods such as though that may rely on digital wallets, smart cards or other embedded technologies”.

DeWolf discloses that an asset record of what the user owns can be maintained at time of transaction via a smart card:

“[0109] In one embodiment, the vehicle asset record is transferred from the manufacturer or dealer to the buyer or other party. The transfer of the asset record can be done in numerous ways. In one embodiment, the asset record is transferred via a digital medium, such as, floppy disk, zip disk, tape drive, CD, DVD, smart card, etc. In a preferred embodiment, the asset record is transferred over a computer network, such as the Internet. Using the Internet

allows the manufacturer or dealer to make the vehicle asset record available to customers or other interested parties even if they are remotely located”.

DeWolf further discloses targeting users based on user activity ([0006, 0043]).

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner further notes that DeWolf's badge with owner benefits expiring after user is no longer a verified owner constitutes a badge that expires after a pre-determined time interval. DeWolf has disclosed that the benefits associated with vehicle ownership cease if the user is no longer a verified owner of the vehicle. And, in the case of DeWolf, the badge expires where the time interval is brief to immediate relevant to the ceased ownership of the vehicle. Examiner notes, as stated above, that the claims are given their broadest reasonable construction. And, DeWolf's expiring briefly to immediately after a ceasing of ownership falls within the Applicant's claimed range of 'expires after a predetermined time interval'. In the case of DeWolf, the predetermined time interval after a ceasing of the verification of ownership is brief to immediate.

Also, Examiner notes that it must be presumed that the artisan knows something about the art apart from what the references disclose. *In re Jacobv*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The problem cannot be approached on the basis that artisans would only know

what they read in references; such artisans must be presumed to know something about the art apart from what the references disclose. *In re Jacoby*. Also, the conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint of suggestion a particular reference. *In re Bozek*, 416 F.2d 1385, USPQ 545 (CCPA 1969). And, every reference relies to some extent on knowledge or persons skilled in the art to complement that which is disclosed therein. *In re Bode*, 550 F.2d 656, USPQ 12 (CCPA 1977).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that DeWolf's providing the user with benefits related to purchasing such as discounts and credits to the user or service plans or warranties or insurance while the user demonstrates ownership of an asset, such as an automobile, and DeWolf's utilization of identifying cards can be added to Kanter's user identifying cards and providing benefits such as rebates related to purchasing of items, which can be an automobile, such that the user now owns the item. One would have been motivated to do this in order to better track and target a user and in order to better incite particular actions, such as purchasing, from a user(s).

Hence, Appellant's Appeal Brief stated that, "Kanter and DeWolf each fail to teach, disclose, or suggest a customer identification badge that expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile. . . Kanter and DeWolf each fail to teach, disclose, or suggest updating the customer identification badge to reflect that the customer continues to possess the automobile. . . DeWolf, however, fails to contemplate updating an ownership attribute associated with the vehicle asset record".

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However, DeWolf discloses the customer verifying that he or she continues to possess the automobile or updating the customer status to reflect that the customer continues to possess the automobile or updating an ownership attribute associated with the vehicle asset record.

And, Kanter in view of DeWolf discloses a customer identification badge that expires after a predetermined time interval, where the time interval is brief to immediate, if the customer does not verify that he or she continues to possess the automobile. Hence, Kanter in view of DeWolf discloses a customer identification badge that expires after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile.

Hence, the combination of the prior art renders obvious the features of the Appellant's claims.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Arthur Duran

Primary Examiner

10/03/2006

Conferees:

Eric Stamber   
Jeff Carlson 